

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 284 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

LABHUBHAI NARSINHBHAI NAYEE

Versus

STATE OF GUJARAT

Appearance:

MR NR SHAHANI for Petitioner
MR A.J.DESAI Asst. Govt. Pleader for
M/S MG DOSHIT & CO for Respondent No. 1, 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 18/02/2000

ORAL JUDGEMENT

#. By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to quash and set aside order dated December, 16,1986 by which the petitioner was reverted to the original post from where he was promoted to the post of Jailor Group (I). The petitioner has also prayed that the respondent

should be directed to treat the petitioner as having been promoted to the post of Jailor Group (I) from November, 6, 1986 and to pay to him all the consequential benefits as well as arrears of pay on that basis.

#. The petition was placed for admission hearing before the court on February 3, 1987 and while issuing notice, the parties were directed to maintain status quo till the returnable date which was March 4, 1987. Thereafter on April 6, 1987 rule was issued and ad interim relief granted earlier was continued. Mr.N.R.Shahani, learned counsel for the petitioner has stated at the Bar that the petitioner was actually promoted to the post of Jailor Group (I) on May 22, 1987. As the petitioner was promoted to the post of Jailor Group (I) from May 22, 1987, the main prayer claimed in the petition now does not survive. However, so far as consequential benefits and the arrears of pay are concerned, interest of justice would be served, if the petitioner is directed to make representation to respondent no.1 in that behalf and respondent no.1 is directed to consider the same in accordance with the law within stipulated time.

#. For foregoing reasons the petition partly succeed. The petitioner is directed to make representation to the respondent no.1 within one month from today for claiming benefits of consequential benefits and arrears of pay from December 16, 1986 to May 22, 1987. The representations which may be made by the petitioner shall be considered by the respondent no.1 as early as possible and preferably within four months from the date of receipt of the same, in accordance with the law. Rule is made absolute to the extent indicated hereinabove only with no order as to costs.

kks